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| APPLICATION NO.                                                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/819,731                                                                            | 03/29/2001  | Masayoshi Shimizu    | 826.1719            | 4353             |
| 21171                                                                                 | 7590        | 10/07/2004           | EXAMINER            |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | DESIRE, GREGORY M   |                  |
|                                                                                       |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                       |             |                      | 2625                |                  |

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/819,731

### Applicant(s)

SHIMIZU ET AL.

### Examiner

Gregory M. Desire

### Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communication filed 6/14/04.

#### *Response to Arguments*

2. Applicant argues (page 7, lines 23-25) Nakajima's process has nothing to do with user preference, where user preference is stored and used to process images for that user. This argument is not persuasive because Nakajima's process has something to do with user preference (note col. 19 lines 45-47, specifically mentions color adjustment (examiner interprets as color correction) to obtain a desired color the **user's preference**. As to where a user preference is stored and used to process images for that user, this is merely setting the user preference, it is well known once a preference or parameter is set it is used as parameters for subsequent processing (note col. 5 lines 1-5).

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 7-12, 14-17 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima (6,701,011).

Regarding claims 1, 8, 15-17 and 24 Nakajima discloses,

A user preference-obtaining unit outputting images at two or more correction levels as corrected images for a given image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels),

Allowing a user to select a preferred corrected image (note col. 19 lines 35-48, user selects a preferred corrected image);

Deriving a preference data set of the user according to a results of the user's selection and the given image and storing the preference data set (note col. 5 lines 1-5, device can store values set by the results of the user (user preference) and

Image correction unit, whenever required to correct any image, automatically correcting the image using the stored preference data set to correct further the image resulting from the automatic correction (Once a adjustment value is set automatic correction of the level occurs (note col. 31 lines 1-6)

Regarding claims 2 and 9 Nakajima discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in

connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

Regarding claims 3 and 10 Nakajima discloses,

Wherein said plurality of given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claims 12 Nakajima discloses,

Wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claims 5 and 11 Nakajima discloses,

A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a use specified image).

Regarding claims 7 and 14 Nakajima discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Kanno et al (6,577,761).

Regarding claims 6 and 13 Nakajima is silent disclosing,

Wherein said user preference obtaining unit requests a user to input a user identifier for identification of the user, and allows each user to select a preferred corrected image. However, Kanno discloses user inputs identifier and allows each user to select a preferred corrected image (note col. 12 lines 42-47 and 54-60, user inputs user identification, allows user to select an output image).

Therefore it would have been obvious to one having ordinary skills in the art to include user identification in the system of Nakajima as evidenced by

Kanno. Nakajima teaches user selection of a corrected preferred image and setting the select preference for other images. Kanno in the same field of endeavor identifies specific user of an output image, thus providing and maintaining the preference of a specific user of a system operated by many user (note col. 1 lines 61-66).

7. Claims 4 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (6,701,011) in view of Kamakawa et al (5,809,366). Regarding claims 4 and 18 Nakajima discloses,

A user preference obtaining unit outputting images at two or more correction levels as corrected images for a given image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels), and allowing a user to select a preferred corrected image (note col. 19 lines 35-48, user selects a preferred corrected image); and

Nakajima is silent disclosing an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user. However Nakajima teaches an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user (note fig. 3 block 10 in connection with col. 5 lines 60-65). Therefore it would have been obvious to one having ordinary skills to disclose an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user. Nakajima creates a selection result from the user preference. Yamakawa in the

same field of endeavor uses the selected results from the user to correct subsequent images, providing an accurate calibration that is standard in a system (note col. 2 lines 6-10).

As to: wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claim 19 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

Regarding claim 20 Nakajima and Yamakawa discloses,

Wherein said plurality of given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claim 21 Nakajima and Yamakawa discloses,



A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a use specified image).

Regarding claim 22 Nakajima and Yamakawa discloses,

User preference obtaining unit requests a user to input user identifier for identification of the user, and allows each user to select a preferred corrected image (fig. 32, block 5)

Regarding claims 23 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
October 4, 2004



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